

Case No. 23-20152

FILED

MAR 19 2024

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Honorable Mark A. Goldsmith,

The fact that I have requested to proceed pro se and the court should reasonably be aware that assigned counsel has stated there is a conflict of interest yet not removed himself is a serious issue. Under 18 USCS § 4241 I am only required to be represented during the 18 USCS § 4247(d) hearing. I should have been able to argue against the US Attorney's motion to request a competency pro se, which even during the June 6th hearing JP Nogués stated my desire to do so when he explained that I predicted the government's argument to my pro se motions. For the 18 USCS § 4247(d) hearing I should have been assigned an attorney that did not have a conflict of interest in representing me. "The right of effective assistance by counsel whose loyalty is undivided is so paramount in the proper administration of justice that it must in some cases take precedence over all other considerations, including expressed preference of the defendants concerned and their attorney." United States v. Carrigan ABA standards relating to defense function at 213 concluding that in some circumstances "even full disclosure and consent of client may not be adequate protection" as noted in United States v. Dolan, 570 F.2d 1177 (3rd Cir. 1978). "While it is the duty of the court in accordance with rule 44 to advise defendant in criminal case who appears without counsel of his right to have attorney present to represent him, if he is unable to obtain counsel, right of accused to conduct his own defense is clear." United States v. Cantor, 217 F.2d 536, 46 (2nd Cir. 1954). Notwithstanding Rule 44, accused has right to conduct his own defense without counsel; consequently, where accused declined assistance of counsel, but nevertheless counsel was assigned by court, there was some curtailment of accused's right to proceed alone and if any prejudice to accused was the result of that, judgment should be reversed." United States v. Cantor, 217 F.2d 536, 46 (2nd Cir. 1954).

Not only did I express the intent to proceed pro se, and JP Nogués stated the intent the court refused and still refuses to allow me to file challenges to jurisdiction.

which should be heard as a matter of law even if an attorney is assigned as I have argued in an appeal.

My defense is clearly prejudiced when the attorney assigned states that he will not present evidence to the Court because the Court will not hear it. So I present the evidence to the Court, and the Court recognizes a challenge to jurisdiction as I intended. Then the attorney assigned tells the Court to exercise jurisdiction anyway, and I will later challenge jurisdiction pro se. That the Court must determine competency, then, if I am deemed competent the Court can then require the prosecution to rebut the presumption the Court lacks jurisdiction. Especially when 18 USCS § 4241 doesn't trigger a requirement of representation until the 18 USCS 4247(d) hearing. I should have been able to challenge jurisdiction pro se at that time as the Court was aware of my intent to do so.

The Court stated in its opinion that the belief I founded a new government "seemed irrational", and declared it evidence of incompetency. But as later filings show and argument on appeal, that is a fact the Court must accept on its face. The laws or opinion of the US government or those administering it are entirely irrelevant in regards to that fact. So clearly the prevention of proceeding pro se prejudiced my defense. As a result, the Court declared a legal fact beyond dispute was evidence of irrationality. The government argued that the executive Branch implicitly recognizing the new nation by acknowledging its borders and negotiating a diplomatic process to cross them was evidence of incompetence when it is a fact that is binding on the court, and is irrefutable evidence the Court lacks in Personam jurisdiction over me.

The Court's supervisory powers to correct these issues even absent statutes or case law are active and are required to correct this maladministration of justice. By not removing himself when a conflict of interest was recognized, JP Noguez violated the Code of Professional Responsibility. By preventing me from proceeding pro se and

ruling that the fact I created a government was "seem[ingly] irrational" and failing to recognize that the conversation with the State Department was recognition of this new government has resulted in a grave injustice. I shouldn't need to correct this on appeal. It is actually your responsibility to ensure the proper administration of justice. When supervisory powers of the Court are triggered you have power to "make it right". I am requesting that you do so.

I am now 13 months incarcerated to have a two hour conversation with a Government Funded Psychologist who argued his incorrect interpretation of my religious beliefs were evidence of incompetency while being represented by an attorney that openly admitted a conflict of interest then delayed the appeal where I challenged his behavior while the US Attorney makes bad faith arguments to have me deemed incompetent where it has truly been sufficiently proven that the fact I created a government is a legal fact beyond dispute and the US government recognized it which is binding on the Court, and the Court recognized a challenge to jurisdiction then proceeded without the US Attorney overcoming the presumption the Court lacks jurisdiction.

I have the superior argument. We all know this by now. I am in this for the long run. I will win this eventually. The only question right now is who else is getting run over by this freight train of justice that is eventually coming. Let's remember that I posted to Twitter in December of 2022 that I knew the plan was to try to make me look insane and that I could have left everything about Twitter off of there but I wanted them to concentrate on that while I got my COVID facts on the record in Court. Then said, "Good luck figuring out when I am just playing the part." Then in February I posted what got me arrested and said "that should make you come get me," and posted my location. Then I was arrested, and my attorney told you all I was predicting the US Attorney's arguments before he/she made

them.

This does not end well for anyone that stands in my way. I keep saying that, but no one listens. I just keep asking people to have integrity and do the right thing. Just like I knew in December of 2022 that I'd be arrested and they would try to have me deemed insane. I know how this ends as well. Waiting for one single person to act with integrity. Like I said, April is significant. Not much time left to get things right. I'd like to briefly refer to the writings where I defined equiscense as knowingly turning a blind eye when you have a duty and the ability to act, but do not. Inaction can speak as loud as action. I placed that for a reason.

Josh Cepul

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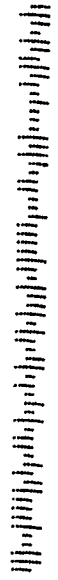
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The writer of this letter
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